

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOANNE WITCHKO, Derivatively on Behalf of :
Nominal Defendant AMERICAN REALTY :
CAPITAL PROPERTIES, INC., :
Plaintiff, :
-against- :
NICHOLAS S. SCHORSCH, et al., :
Defendants, :
-and- :
AMERICAN REALTY CAPITAL PROPERTIES, :
INC., :
Nominal Defendant. :
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ORDER

15 Civ. 6043 (AKH)

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ALVIN K. HELLERSTEIN, U.S.D.J.:

In Derivative Plaintiffs' Memorandum of Law in Support of Motion for Final Approval of Derivative Settlement, Derivative Plaintiffs state, "The Company expended approximately \$180 million in 'out-of-pocket' litigation costs from fall 2014 to settlement . . ." ECF No. 290, at 3.

Derivative Plaintiffs shall prove by affidavit or declaration the underlying details supporting this proposition, along with whether such litigation costs are covered by insurance, or whether a claim against insurers is pending. The affidavit or declaration shall be filed by January 10, 2020.

SO ORDERED.

Dated: New York, New York
January 3, 2020


ALVIN K. HELLERSTEIN
United States District Judge